

## Message Text

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PAGE 01 STATE 144019  
ORIGIN COME-00

INFO OCT-01 ARA-14 ISO-00 EB-08 /023 R

DRAFTED BY COM:OIFI:FBP:JMLIGHTMAN/MMP  
APPROVED BY EB/IFD/BP:HARVEY J. WINTER  
STATE/OBP/SBRATTAIN  
PAT OFFICE/OLIA/DALLEN  
ARA/LA/CEN:L PFEIFLE

-----098791 080132Z /63

R 071707Z JUN 78  
FM SECSTATE WASHDC  
TO AMEMBASSY GUATEMALA

UNCLAS STATE 144019

E.O. 11652:N/A

TAGS: EIND, GT

SUBJECT: TRADEMARK APPLICATION FOR LOLLY - POPS

REF: EMBTEL 2688, MAY 5, 1978

EMBASSY'S EFFORTS TO SECURE REJECTION OF APPLICATION TO REGISTER LOLLY POPS APPRECIATED. INFORMATION IN REFTEL REGARDING ACTION AND RATIONAL BY GOVERNMENT OVERRULING EMBASSY'S OBJECTION PASSED ON BY COMMERCE TO U.S. TRADE-MARK ASSOCIATION (USTA) AND AMERICAN HOME PRODUCTS CORPORATION, NEW YORK CITY.

RE PARA 3 REFTEL, USTA HAS INFORMED COMMERCE THAT THE FIRM FALLA, SILVA, PENA & VITERI IN GUATEMALA HAS BEEN ASKED TO REPRESENT IT IN OPPOSING GENERIC NAME CASES.

RE EMBASSY'S REQUEST FOR CLARIFICATION IN PARA 4 ON APPLICABILITY OF 1929-TRADEMARK CONVENTION, FOLLOWING INFORMATION  
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IS OFFERED. ARTICLE 3 (2) OF CONVENTION ENABLES MEMBER COUNTRY TO REFUSE TRADEMARK APPLICATION, IF IT BELIEVES TERM IS GENERIC. THIS ARTICLE IMPOSES NO OBLIGATION ON A MEMBER COUNTRY TO ESTABLISH A TERM AS GENERIC BECAUSE OF ITS GENERIC STATUS ELSEWHERE. THE MEMBER COUNTRY IS

FREE TO DECIDE ON THE GENERICITY OF A TERM WITHIN ITS

OWN DOMESTIC CRITERIA. THUS, THE CONVENTION IMPOSES NO  
RESTRAINTS ON GUATEMALA TO DECIDE THAT A TERM SUCH AS  
"LOLLY POPS" IN SPANISH IS NOT GENERIC EVEN THOUGH IT IS  
CONSIDERED IN THE U.S. TO BE GENERIC IN ENGLISH  
OR SPANISH. UNDER THE CIRCUMSTANCES IT DOES NOT APPEAR  
ANY FURTHER ACTION BY THE EMBASSY IS NECESSARY IN THIS  
MATTER. VANCE

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TRADEMARK APPLICATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 07 jun 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 jan 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978STATE144019  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** OIFI:FBP:JMLIGHTMAN/MMP  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780238-0888  
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**Original Handling Restrictions:** n/a  
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**Review Release Event:** n/a  
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**Review Withdrawn Fields:** n/a  
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**TAGS:** EIND, GT, US  
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**Type:** TE  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014